

REMARKS

Claims 1-15 were presented for examination in the present application and remain pending upon entry of the instant amendment, which is respectfully requested.

Applicants respectfully request reconsideration and withdrawal of the finality of the outstanding Office Action.

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither (1) necessitated by applicant's amendment of the claims nor (2) based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). See the *Manual of Patent Examining Procedure* section 706.07(a).

The Office Action rejected the pending claims over U.S. Patent No. 6,076,070 to Stack (Stack).

Stack was cited by Applicants in an IDS dated March 9, 2005 with a statement under 37 CFR 1.97(e). Since Stack was cited without the fee set forth in 37 CFR 1.17(p), amendment of the claims is the only remaining basis to make this Office Action final.

As such, the Office Action asserted that the new ground of rejection was necessitated by Applicants' amendments. However, Applicants respectfully traverse this assertion.

Specifically, Applicants submit that the claims prior, to amendment, were as rejectable over Stack, using the Office Action's asserted broad interpretation of Stack, as the claims after amendment. Therefore, the new ground of rejection was not in fact necessitated by Applicants' amendments.

Reconsideration and withdrawal of the finality of the prior Office Action are therefore respectfully requested.

Claims 1-11 and 13-15 were rejected under 35 U.S.C. 103(a) over Stack. Claim 12 was rejected under 35 U.S.C. 103(a) over Stack in view of U.S. Patent Publication No. 2002/0077930 to Trubey et al. (Trubey).

Applicants respectfully submit that claim 1, as amended, is not disclosed or suggested by Stack alone, or in combination with Trubey.

Independent claim 1 now recites, in part, the steps of “requesting terms of offer”, “obtaining said requested terms of offer”, “adjusting, in response to obtaining said requested terms of offer for said single item, second terms of offer”, and “presenting said requested terms of offer” and “said adjusted second terms of offer”.

Claims 2-3 and 7-15 have been amended to conform to the aforementioned amendments to claim 1. Support for these amendments can be found at least at page 4, lines 15-25.

Applicants respectfully submit that Stack is directed to an apparatus and method for on-line price comparison. However, Stack fails to disclose or suggest the requesting, obtaining, and adjusting steps for terms of offer as now claimed.

Moreover, Stack provides no suggestion or motivation to modify its price comparison to the required requesting, obtaining, and adjusting steps for terms of offer as now claimed. Further, Stack provides no reasonable expectation that one could successfully modify its system to the requesting, obtaining, and adjusting steps for terms of offer as now claimed.

Trubey was merely asserted by the Office Action as disclosing a price margin vis-à-vis claim 12. However, Applicants submit that Trubey fails to disclose or suggest the

requesting, obtaining, and adjusting steps for terms of offer as now recited by amended claim 1.

Therefore, independent claim 1 is not disclosed or suggested by Stack alone, or in combination with Trubey. Amended claim 1, as well as claims 2-15 that depend therefrom, are believed to be in condition for allowance. Reconsideration and withdrawal of the rejections to claims 1-15 are requested.

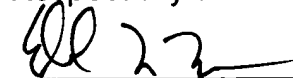
In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

In the alternative, it is believed that the instant amendment places the present application in better condition for appeal by, for example, canceling claims. Accordingly, entry and consideration of the instant amendment, at least for the purposes of appeal, are respectfully requested.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

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Respectfully submitted,



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